

FINAL REPORT OF THE  
FINDINGS AND RECOMMENDATIONS

BY THE  
NEBRASKA BOARD OF HEALTH

ON THE PROPOSAL FOR A CHANGE IN SCOPE OF PRACTICE  
FOR PSYCHOLOGICAL SERVICES  
TO THE  
DIRECTOR OF HEALTH  
AND THE  
NEBRASKA LEGISLATURE

JANUARY 24, 1994

Recommendations of the Full Board of Health on the Proposal

Chairperson Weaver asked Carl Maltas, the Chairperson of the 407 Committee of the Board to provide a brief overview of this committee's review of the psychology proposal. Mr. Maltas stated that the committee members supported the proposal as amended during the review of the technical committee on all four statutory criteria. Dr. Fitzgerald then moved and Patricia McQuillan seconded that the full Board of Health approve the recommendation of the 407 Committee on the proposal. Voting aye were Allington, Balters, Bennett, Caudill, Christensen, Fitzgerald, Foote, Hirschbrunner, Kellough, Maltas, McQuillan, Polzien, and Wempe. There were no nay votes. Chairperson Weaver abstained from voting. By this action the members of the full Board of Health approved the action of their 407 Committee, and thereby recommended approval of the applicants proposal as amended.

### Recommendations of the 407 Committee on the Proposal

The members of the 407 Committee of the Board of Health met on November 5, 1993, to formulate their advice to the full Board on the Psychological Services Proposal.

Chairperson Carl Maltas asked Dr. Richard Fitzgerald, the chairperson of the Psychological Services Technical Review Committee, to report on the work of his committee. Dr. Fitzgerald described the applicants proposal to replace the current two-tiered system of licensure with licensure at one level and provide a unified scope of practice for all licensed psychologists. Dr. Fitzgerald informed the 407 Committee members that the applicants' original proposal would have eliminated the services of masters-level psychologists pertinent to testing and measurement. Dr. Fitzgerald explained that these services are not covered by the new mental health credential created by LB 669, and that under the original proposal only licensed psychologists could provide these services.

Dr. Fitzgerald stated that the applicants amended their original proposal to allow masters-level psychologists to provide testing and measurement services under the supervision of fully-licensed psychologists. Dr. Fitzgerald informed the 407 Committee members that the technical committee also recommended that masters-level psychologists be allowed to use the title "psychologist" if they qualify for the exemption and if they use a definite modifier with this title.

Chairperson Maltas then asked whether there were persons who wished to make comments in support of the proposal. Dr. Jim Madison, the representative of the applicant group on the committee, came forward to present testimony. Dr. Madison stated that the proposal would establish a unified scope of practice for psychology in Nebraska with licensure at a

single level. Dr. Madison stated that the proposal would bring Nebraska's psychology statute into line with those of other states. Dr. Madison informed the 407 Committee members that in most states a licensed psychologist has a Ph.D. in a clinical area of the field, and has completed an internship in the applied practice of psychology. Dr. Madison stated that the current proposal is designed to establish this standard in Nebraska.

Dr. Duane Polzien asked Dr. Madison about those currently licensed psychologists who do not meet the standards of the proposal. Dr. Madison responded that these practitioners would be grandfathered and would provide services under the supervision of either a fully-licensed psychologist or a physician. Dr. Madison also stated that all new licensees would be required to meet the standards of the proposal, and that in effect, the grandfathered group would become a "fossil profession."

Dr. Madison also informed the 407 Committee members that masters-level psychologists who satisfy the standards required for exemption can do testing and measurement under the supervision of a fully-licensed psychologist or medical doctor. However, Dr. Madison added that the proposal would not grandfather masters-level psychologists, and that these practitioners would not be credentialed in any way by this proposal. Dr. Madison stated that these practitioners would be eligible for licensure under the provisions of LB 669, the Mental Health Practitioner Act.

The 407 Committee members then applied the four criteria of the credentialing review statute to the proposal. Dr. Fitzgerald moved and Dr. Kellough seconded that the proposal satisfies the first criterion which in this case asks whether there is harm to the public in the current practice situation of psychology. Voting aye were Fitzgerald, Kellough, and Polzien.

There were no nay votes. Chairperson Maltas abstained from voting. The motion carried.

Dr. Fitzgerald moved and Dr. Polzien seconded that the proposal satisfies the second criterion which asks whether the proposal would cause any significant new harm to the public health and welfare. Voting aye were Polzien, Fitzgerald, and Kellough. There were no nay votes. Chairperson Maltas abstained from voting. The motion carried.

Dr. Fitzgerald moved and Dr. Mark Kellough seconded that the proposal satisfies the third criterion which asks whether the proposal would benefit the public health and welfare. Voting aye were Kellough, Polzien, and Fitzgerald. There were no nay votes. Chairperson Maltas abstained from voting. The motion carried.

Dr. Fitzgerald moved and Dr. Polzien seconded that the proposal satisfies the fourth criterion which asks whether the proposal is the most cost-effective means of addressing the harm identified in application. Voting aye were Kellough, Fitzgerald, and Polzien. There were no nay votes. Chairperson Maltas abstained from voting. The motion carried. By virtue of these four votes the 407 Committee members decided to recommend in favor of the proposal.

